

Will Predictive Scheduling Laws Affect Your Restaurant? - *Modern Restaurant Management*

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In the current labor market, restaurant owners have to deal with a host of issues that make it increasingly difficult to schedule employees. Due to these trends, employers want to have as much flexibility as possible to schedule employees. However, studies have shown that irregular and unpredictable schedules can lead to personal and financial hardships for employees. As a result, employees generally prefer stable and predictable work schedules. In an attempt to address these tensions, several jurisdictions have passed predictive or “fair” scheduling laws. These laws can have a big impact on the way that restaurants manage their employees.

What Are Predictive Scheduling Laws?

In general, predictive scheduling laws require employers to post employee work schedules a set number of days in advance and provide a minimum amount of notice to employees of any changes. Some of the laws require employers to provide additional pay to employees if changes are made without sufficient notice. Other laws preclude employers from scheduling employees for “on-call” shifts or requiring employees to work when they have not received a sufficient amount of notice. Finally, some of these laws require employers to engage in an “interactive scheduling process” with employees who request modifications to their work schedules. These laws generally have exceptions for acts of God and employee-requested shift-switching.

The Development of Predictive Scheduling Law

In the past five years, several major cities (San Francisco, Seattle, Chicago, New York, and Philadelphia) and one state (Oregon) have passed predictive scheduling laws. Several other states including, California, Illinois, Massachusetts, Michigan, and New Jersey have proposed similar laws and a bill with similar provisions is pending in the U.S. House of Representatives. Due to the novelty of these laws and the variations in their requirements, restaurateurs should pay close attention to the development of these laws.

What Should Restaurant Employers Do?

Determine if Predictive Scheduling Laws Apply to You

The first step is to determine whether any of its locations are subject to these laws. Restaurant owners should check the website of the relevant city or state Department of Labor to ascertain whether the law is applicable. If so, owners should carefully review the law and its requirements.

Draft and Implement Policies and Procedures

Employers that are subject to predictive scheduling laws should draft and implement appropriate policies and procedures for employee scheduling to comply with those laws. The policies should advise employees how their schedules will be set and the procedure for last-minute changes to those schedule. Employers should also ensure that employees are being paid appropriately for any penalties or additional compensation due to employees as a result of scheduling change without sufficient notice to the employee.

Train Managers on Compliance

Employers should train their managers on these new policies and procedures to ensure that the managers who will be handling scheduling issues understand them and are implementing them appropriately.

Audit for Compliance

It is also prudent for employers to periodically monitor compliance with any scheduling policies and procedures to ensure that they are being followed.

Consider Implementing Scheduling Technology

Finally, employers may want to consider purchasing scheduling technology. Several companies offer apps or software programs that can make employee scheduling much simpler.

Conclusion

Restaurant owners should carefully monitor the development of predictive scheduling laws. The failure to do so could result in liability for unpaid wages and other penalties.

